

REMARKS

This application has been reviewed in light of the Office Action dated July 17, 2007. Claims 1-8 are presented for examination, of which Claims 1 and 5 are in independent form. Claims 1 and 5 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,689,100 (*Carrithers et al.*) in view of “Effective marketing positions: Check card as consumer lifeline,” *Hoosier Banker*, April 1998, Volume 84, Issue 4 (*Crumbaugh*). Applicants have carefully studied the prior art and the Office Action, but find themselves unable to agree with the rejection, for at least the following reasons.

Claim 1 is directed to a method for facilitating a non-currency-based transaction involving a secondary transaction number, including the steps of: (a) designating a non-currency-based account to be used to fund a primary account; (b) generating a secondary transaction number and associating the secondary transaction with the primary account number; (c) and converting accumulated non-currency-based tender in the non-currency-based account into currency to fund the primary account.

An important feature of the method of Claim 1 is “designating a non-currency-based account to be used to fund a primary account.” By virtue of this feature, a non-monetary account holder can choose which primary account to fund with the non-monetary account. Another important feature of the method of Claim 1 is “generating a secondary transaction number and associating the secondary transaction number with the primary account.” By virtue of this feature, a primary account holder can use the secondary account number without having to disclose the primary account number.

Carrithers et al. relates to a debit card system for implementing an incentive award program. *Carrithers et al.* are understood to disclose a system that comprises a plurality of debit cards, a filter processor, and software for transmitting debit transaction data to the filter processor, in response to a debit transaction initiated by a merchant using an initiating card having an initiating account number. A debit card is assigned to each participant. Each debit card includes a unique account number corresponding to an award account of one of the participants. In a preauthorization process for a debit transaction, the filter processor evaluates whether the debit card is valid and whether the merchant is an authorized merchant. The filter processor also evaluates whether sufficient points are available in the award account to cover the debit transaction. If the debit card is valid, the merchant is an authorized merchant, and sufficient points are available, the award account is debited and a validating data is generated.

Carrithers et al. are understood to disclose an award account that includes a unique account number, but does not teach or suggest a primary account that is associated with the award account. The Office Action states that a primary account is disclosed as a DDA by *Carrithers et al.* Applicants respectfully disagree. As recited in *Carrithers et al.*:

At step 212, filter processor 116 evaluates a prefix of the initiating card identification number to determine whether the initiating card is a debit card. In general, it is contemplated that debit card account numbers would have a different prefix than credit card and other card account numbers. If the initiating card is not a debit card as defined by its prefix, the process proceeds to step 214 to generate invalidating data because the process is employing a non-debit card. If step 212 determines that the initiating card is a debit card, the process proceeds to step 216 to confirm that the initiating merchant is one of the authorized merchants defined by the program data, i.e., ICA/merchant data is part of program data. If the merchant is not an authorized merchant, the process proceeds to step 218 to indicate invalidating data because the initiating merchant is not a merchant taking part in the incentive award program and, therefore, does not have the right to use the debit

card. If the initiating merchant is an authorized merchant, the process proceeds to step 220 to determine whether or not the initiating debit card has a valid debit card account number as defined by the program data. If the initiating card does not, the process proceeds to step 222 to generate invalidating data because that the debit card account number is not part of the program data.

If the initiating debit card is a valid debit card number, the process proceeds to step 224 to evaluate **the DDA (demand deposit account) portion of the initiating account number**. If the DDA portion is invalid, the process proceeds to step 226 to generate invalidating data because of an invalid DDA account number. If the DDA account is valid, the process proceeds to step 228 to determine the number of points available for the particular account number. If the number of points when converted to a currency does not equal or exceed the value of the initiating debit transaction, the process proceeds to step 230 to generate invalidating data because of insufficient points to complete the debit transaction.

Col. 8, lines 6-42 (emphasis added). Thus, the DDA is a portion of the initiating account number, which is understood to be a card number that is used to initiate a transaction, without the prefix portion that is evaluated in step 212. If the DDA portion is for a debit card other than a debit card associated with the award account, then the debit card treated as invalid in step 226. If the DDA portion is for a valid debit card associated with the award account, then the number of points available is determined in step 228. Thus, the DDA portion of the initiating account number is not understood to be a primary account that is associated with the award account. Accordingly, nothing has been found in *Carrithers et al.* that is believed to teach or suggest “designating a non-currency-based account to be used to fund a primary account,” as recited in Claim 1.

Further, since *Carrithers et al.* is not understood to disclose a primary account that is associated with an award account, nothing has been found in *Carrithers et al.* that is believed to teach or suggest “generating a secondary transaction number and associating the secondary transaction number with the primary account,” as recited in Claim 1.

Moreover, nothing has been found in *Crumbaugh* that teaches or discloses these features.

Applicants submit that a combination of *Carrithers et al.* and *Crumbaugh*, assuming such combination would even be permissible, would fail to teach or suggest a method for facilitating a non-currency-cased transaction that includes “designating a non-currency-based account to be used to fund a primary account” or “generating a secondary transaction number and associating the secondary transaction with the primary account number,” as recited by Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claim 5 includes features similar to those discussed above in which a system includes “a user interface system configured to accept a designation of a non-currency-based account to be used to fund a primary account” and “a secondary transaction number system configured to generate a secondary transaction number and associate the secondary transaction number with the primary account.” Therefore, Claim 5 is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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